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NORCAL WASTE SYSTEMS, INC.

November 30, 2006

Richard Castle
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, CA 95812-4025

Subject: PCM/CA & FA Regulation Workshop – Comments

Dear Mr. Castle:

Thank you for inviting comment on the proposed changes to the regulations in Title 14 concerning Closure and Post-closure Maintenance Plans and Financial Assurance at the public workshop on November 27, 2006. Norcal Waste Systems, Inc. owns and operates several landfills throughout the state of California. As a stakeholder, we would like to submit the following concerns to your office for consideration.

First, we would like to address the proposed changes in section 21780: Submittal of Closure and Post-closure Maintenance Plans. The proposed changes ask that cost estimates shall be reevaluated at the time of each plan amendment. We propose that cost estimates shall only be reevaluated at each five-year permit review, since minor amendments to the plan would have minimal, if any, consequence on the cost estimates. Also, it is proposed that cost estimate adjustments based only on inflation factors are not acceptable. We believe that there should be an indicator that is more directly related to the solid waste industry for determining index and line item adjustments.

Section 21787 proposes the submittal of a “detailed schedule” which we believe to be vague language, and may be interpreted several ways. We advocate the use of a more clear definition of “detailed” so that we may continue to be in compliance with this section of the regulation.

We also propose a definition of the phrase “until the solid waste landfill no longer poses a threat to public health and safety and the environment,” which is used a number of times in the proposed regulations. Section 21840: Post-closure Maintenance Cost Estimates, states that the cost estimate used to determine financial assurance shall be annual cost of maintenance and monitoring anticipated during the *entire* post-closure period (i.e.; until the waste no longer poses a threat to public health and safety and the environment). This is an example of why we propose the CIWMB to provide an inclusive definition of what this phrase means. It is clear that, without a definite answer, we are unable to comply with the regulations proposed in this section. It is not feasible to provide financial assurance to an undetermined time.

Section 2210: Scope and Applicability proposes that the anticipated interest earnings will be based on the 15-year average annual rate of return available from the Surplus Money Investment Fund (SMIF). We do not believe that interest earnings should be bound to SMIF, since there are other available rates that may be more beneficial to the industry.

Finally, we disagree with the regulation's assumption that there will be 100% failure of all landfills, and propose the CIWMB to relay a better understanding of actual failure percentage, and monies utilized by the state in taking over these failed landfills.

Assuming a failure percentage of this degree, will tie up a large amount of capital that will be absorbed by the taxpayers and ratepayers of California. However, it appears the CIWMB is interested in having a state fund available for perpetual stewardship of the landfill. We agree with the concept that all owners should have to put away actual money into a state account to cover any period beyond the initial post closure period of 30 years.

Please feel free to contact me if you have any questions or require further information regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Oster". The signature is fluid and stylized, with the first letters of the first and last names being capitalized and prominent.

Rachel Oster
Planning Coordinator